

HOUSE BILL No. 1957

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-8.1.

Synopsis: Employment certificates. Raises from 18 years to 19 years, the age after which an employment certificate for a student is no longer necessary. Provides that an employment certificate may be issued to a full-time student less than 19 years of age who has not completed twelfth grade, who has passing grades in core subjects, and attendance in good standing at the school. Provides that an issuing officer may issue two employment certificates to a student if: (1) the total number of hours per week that the student works does not exceed the maximum allowed by law; and (2) each employment certificate states the maximum number of hours per week the student may work at the location for which the employment certificate is issued. Provides that a full-time student who is at least 16 years of age may work only 20
(Continued next page)

Effective: July 1, 1999.

Yount

January 26, 1999, read first time and referred to Committee on Labor and Employment.



Digest Continued

hours in a week when school is in session and may work only until 9 p.m. when school is in session. Provides that if these provisions are in conflict with a cooperative program between a school corporation and an employer of labor for school directed vocational education, the terms of the cooperative program apply.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1957

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-8.1-3-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. ~~Attendance~~
3 ~~Officers, Special Powers~~. (a) Each attendance officer is empowered to
4 serve original and other process in cases arising under this chapter.
5 (b) Attendance officers are empowered and authorized to enter any
6 place where children **and full-time students (as defined in**
7 **IC 20-8.1-4-0.5)** are employed to determine whether violations of this
8 chapter or of chapter 4 have occurred. When an attendance officer or
9 a school official is exercising the power granted under this subsection,
10 any officer, manager, director, employee or other person who refuses
11 to permit his entry into a place of business or interferes with his
12 investigation in any way is guilty of a violation of this chapter.
13 SECTION 2. IC 20-8.1-4-0.5 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 1999]: **Sec. 0.5. As used in this chapter,**

1999

IN 1957—LS 7649/DI 96+



"full-time student" means a student at least fourteen (14) years of age but less than nineteen (19) years of age who:

(1) is enrolled in:

(A) a public school;

(B) a nonpublic school accredited by the state board under IC 20-1-1.2-8; or

(C) another nonpublic school that has requested and received from the state board specific approval of the school's educational program; and

(2) has not completed twelfth grade or its equivalent.

SECTION 3. IC 20-8.1-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. It is unlawful for any person, firm, limited liability company, or corporation to hire, employ, or permit any child who is more than fourteen (14) years of age and less than eighteen (18) years of age **full-time student** to work in any gainful occupation until the person, firm, limited liability company, or corporation has secured, and placed on file in its office, an employment certificate issued by the proper issuing officer under this chapter.

SECTION 4. IC 20-8.1-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~Exceptions to requirement of employment certificate:~~ (a) No employment certificate is required for a child who is fourteen (14) years of age or older and less than eighteen (18) years of age **full-time student** to perform farm labor or domestic service or to act as a caddie for a person playing the game of golf or as a newspaper carrier. However, this exemption applies only when a **child full-time student** is engaged in an occupation listed in this section during the hours when the **child full-time student** is not required to be in school.

(b) No employment certificate is required for a ~~child under eighteen (18) years of age~~ **full-time student** who works as an actor or performer if the provisions of IC 20-8.1-4-21.5 are met.

(c) ~~No employment certificate is required for a child under eighteen (18) years of age who has graduated from high school.~~

SECTION 5. IC 20-8.1-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) ~~Documents Required Prior to Issuance of Certificate:~~ An issuing officer may issue a certificate only to a **child full-time student** whose employment is necessary and only after receipt of the following ~~two (2)~~ **three (3)** documents:

(1) Proof of age as prescribed under section 8 of this chapter.

(2) Proof of prospective employment as prescribed under section 11 of this chapter.



(3) Written permission from the full-time student's parents.

(b) An issuing officer may issue a certificate to a full-time student only if the student has:

(1) achieved a passing grade in core subjects for the school grading period immediately preceding the date of application for the certificate; and

(2) attendance in good standing at the school.

(c) A ~~child~~ full-time student seeking an employment certificate from a school the ~~child~~ full-time student does not attend must also present to the issuing officer a written statement that:

(1) is from the school the ~~child~~ does attend; full-time student attends; and

(2) attests to the ~~child's~~ full-time student's acceptable:

(A) academic performance, as described in subsection (b)(1); and

(B) attendance.

SECTION 6. IC 20-8.1-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. ~~Proof of Prospective Employment.~~ (a) As proof of prospective employment, the issuing officer shall require a written statement signed by the person for whom the ~~child~~ full-time student is to work, setting forth the nature of work which the ~~child~~ full-time student is to perform.

(b) When a ~~child's~~ full-time student's employment terminates, the employer shall immediately notify the issuing officer in writing of the termination and the date on which it occurred. This notice shall be on a blank form attached to the child's employment certificate.

(c) It is unlawful for an issuing officer to issue a subsequent certificate until he has:

(1) received a termination notice from the current employer; ~~or~~

(2) otherwise determined that the ~~child's~~ full-time student's employment has terminated; ~~or~~

(3) amended an existing certificate to change the hours the full-time student may work so that when the hours are added to the hours specified by a second, subsequent certificate, the full-time student's total work hours are limited as provided in this chapter.

(d) An employment certificate may be used at not more than two (2) locations within the same enterprise if the enterprise complies with the hour restrictions prescribed in section 20 of this chapter.

(e) An issuing officer may issue two (2) employment certificates to a full-time student allowing the full-time student to work for two (2) different employers if:



(1) each certificate indicates on its face the number of hours the full-time student is permitted to work for the employer to whom the certificate is presented; and

(2) the sum of the hours stated on both certificates does not exceed the limitations on hours of work prescribed by this chapter.

SECTION 7. IC 20-8.1-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. (a) Upon presentation of the documents required by section 7 of this chapter, an employment certificate shall be issued immediately to the ~~child~~ **full-time student**. However, an issuing officer may deny a certificate to a ~~child~~ **full-time student**:

(1) whose attendance is not in good standing; or

(2) whose academic performance does not meet the ~~school corporation's~~ standard **prescribed by section 7(b)(1) of this chapter**.

(b) Within five (5) days, the issuing officer shall send a copy of the employment certificate to the department of labor. The issuing officer shall keep a record in his office of each employment certificate issued.

(c) A ~~student~~ **full-time student** may appeal the denial of a certificate under subsection (a) to the school principal.

SECTION 8. IC 20-8.1-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) The state board of education or the department of labor may revoke an employment certificate at any time, if, in the judgment of either, the certificate was improperly issued or if either has knowledge that the ~~child~~ **full-time student** involved is or was illegally employed. In order to determine when a ~~child~~ **full-time student** is illegally employed, the state board of education and the department of labor and their agents are authorized to investigate the true age of any ~~minor~~ **person alleged to be less than nineteen (19) years of age** who is employed, to subpoena witnesses, to hear evidence, and to require the production of relevant books or documents.

(b) When an employment certificate is revoked under this section, the issuing officer and the ~~child's~~ **full-time student's** employer shall be notified in writing. This notice may be delivered in person or by registered mail. Immediately after receiving notice of revocation, the employer shall return the certificate to the issuing officer. A ~~child~~ **full-time student** whose employment certificate has been revoked may not be employed or permitted to work until ~~he~~ **the full-time student** has legally obtained a new certificate.

SECTION 9. IC 20-8.1-4-15 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. ~~Employment Certificate; Contents.~~ Each employment certificate shall:

(1) set forth:

(A) the full name and the date and place of birth of the ~~child~~; **full-time student**;

(B) the name and address of the ~~child's~~ **full-time student's** parents;

(C) the name and address of the employer;

(D) **the maximum number of hours per week that the full-time student is authorized to work for the employer;** and

(E) the nature of the work which the ~~child~~ **full-time student** is to perform; ~~it shall and~~

(2) certify that the ~~child~~ **full-time student** has:

(A) appeared before the issuing officer; and ~~that he has~~

(B) submitted the proof of age, ~~and~~ prospective employment, **and written permission from the full-time student's parents** as required under this chapter.

The issuing officer may require the presence of the ~~child's~~ **full-time student's** parents before issuing the certificate.

SECTION 10. IC 20-8.1-4-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18. (a) Whenever the department of labor requires, a ~~child who is:~~

(1) ~~fourteen (14) years of age or older and less than eighteen (18) years of age; and~~

(2) **full-time student** at work in any occupation for which an employment certificate is required under sections 1 and 2 of this chapter shall submit to a physical examination. This examination shall be conducted by a medical inspector of the department of labor or by a physician designated by the department. A female is entitled to have this examination made by a person of her own sex. No employer shall require, or attempt to require, a female to submit to a physical examination by a person of the opposite sex.

(b) The result of every examination conducted under this section shall be recorded on a printed form furnished by the department of labor. All examination reports shall be kept on file at the office of the department of labor.

(c) The department of labor may not require a ~~child~~ **full-time student** to undergo a medical examination under this chapter when ~~his~~ **the student's** parents object on religious grounds. A religious objection consists of a good faith reliance on spiritual means or prayer for healing. A religious objection will not be effective unless it is made in



1 writing, signed by the ~~child's~~ parents **of the full-time student**, and
 2 delivered to the department of labor.

3 SECTION 11. IC 20-8.1-4-20 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 20. (a) This section
 5 applies only to occupations for which a ~~child who is fourteen (14) years~~
 6 ~~of age or older and less than eighteen (18) years of age~~ **full-time**
 7 **student** must obtain an employment certificate under this chapter.

8 **(b) If this section conflicts with a cooperative program between**
 9 **a school corporation and an employer of labor for school directed**
 10 **vocational education as set forth in IC 20-10.1-6-7, the terms of the**
 11 **cooperative program apply.**

12 ~~(b)~~ (c) The following apply only to a ~~child~~ **full-time student** who is
 13 ~~fourteen (14) years of age or older and less than sixteen (16) years of~~
 14 ~~age:~~

15 (1) The ~~child~~ **full-time student** may not work before 7:00 a.m. or
 16 after 7:00 p.m. However, the ~~child~~ **full-time student** may work
 17 until 9:00 p.m. from June 1 through ~~Labor Day: the day before~~
 18 **the first day of classes in the fall grading period.**

19 (2) The ~~child~~ **full-time student** may not work:
 20 (A) more than three (3) hours on a school day;
 21 (B) more than eighteen (18) hours in a school week;
 22 (C) more than eight (8) hours on a nonschool day; or
 23 (D) more than forty (40) hours in a nonschool week.

24 ~~(c)~~ (d) A ~~child~~ **full-time student** who is at least sixteen (16) years
 25 ~~of age and less than eighteen (18) years of age~~ may not work:

26 (1) for more than eight (8) hours in any one (1) day;
 27 (2) for more than ~~forty (40) twenty (20)~~ hours in ~~any one (1) a~~
 28 **school** week;
 29 (3) for more than six (6) days in any one (1) week; or
 30 (4) before 6:00 a.m.

31 ~~(d)~~ (e) A ~~child~~ **full-time student** who is at least sixteen (16) years
 32 of age and less than seventeen (17) years of age may work until ~~10:00~~
 33 **9:00** p.m. on nights that are followed by a school day in any occupation
 34 except those which the commissioner of labor determines to be
 35 dangerous to life or limb or injurious to health or morals.

36 ~~(e)~~ (f) An employer may employ a ~~child who is at least sixteen (16)~~
 37 ~~years of age and less than seventeen (17) years of age~~ **full-time student**
 38 to work until midnight if:

39 (1) the work will be performed:
 40 (A) while schools are closed for summer vacation; or
 41 (B) on days that are not followed by a school day; and
 42 (2) the employer has:



(A) obtained written permission from a ~~child's~~ **the full-time student's** parent; and

(B) placed the written permission on file in the employer's office.

~~(f)~~ **(g)** If an employer has obtained written permission required under subsection ~~(e)~~; **(f)**, the employer may employ a ~~child~~ **full-time student** who is at least sixteen (16) years of age ~~but less than eighteen~~ **(18) years of age** for periods that do not exceed a total of nine (9) hours in any one (1) day and a total of forty-eight (48) hours in any one (1) week during ~~summer vacation from school~~; **nonschool weeks**.

~~(g)~~ **(h)** A ~~child~~ **full-time student** who is:

(1) **at least** seventeen (17) years of age; ~~or older but less than eighteen~~ **(18) years of age**; and

(2) a student in grades 9 through 12;

may work until ~~11:30~~ **9:00** p.m. on nights that are followed by a school day. A ~~child~~ **full-time student** covered by this subsection may work later than ~~11:30~~ **9:00** p.m. on nights followed by a school day if the employer has obtained written permission from the ~~child's~~ **full-time student's** parent and placed the permission on file in the employer's office. However, the nights followed by a school day on which a ~~child~~ **full-time student** works later than ~~11:30~~ **9:00** p.m. may not be consecutive and may not exceed two (2) nights per week.

~~(h)~~ **(i)** ~~Children~~ **An individual** who ~~are~~ **is** sixteen (16) years of age or older and less than eighteen (18) years of age may be employed the same daily and weekly hours and at the same times of day as ~~adults~~ **an adult** if ~~they fit~~ **the individual fits** into any one (1) of the following categories:

(1) ~~They are~~ **The individual is** a high school graduate.

(2) ~~They have~~ **The individual has** completed an approved vocational or special education program.

(3) ~~They are~~ **The individual is** not enrolled in a regular school term.

SECTION 12. IC 20-8.1-4-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. (a) No child who is less than fourteen (14) years of age may be employed or allowed to work in any gainful occupation except as a farm laborer, as a domestic service worker, as a caddie for persons playing the game of golf, or as a newspaper carrier. No child who is less than twelve (12) years of age may be permitted to work at farm labor except on a farm operated by his parents.

(b) Except as provided in section 21.5 of this chapter, a person, firm, limited liability company, or corporation may not employ or permit any



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1 ~~child less than eighteen (18) years of age~~ **full-time student** to work in
 2 any occupation after 7:30 a.m. and before 3:30 p.m. on a school day
 3 unless the ~~child~~ **full-time student** presents to the employer a written
 4 exception issued by the school that the ~~child~~ **full-time student** attends.

5 SECTION 13. IC 20-8.1-4-22 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. ~~Employment.~~ The
 7 employment of ~~children~~ **full-time students** in the Indiana state school
 8 for the deaf and the Indiana state school for the blind is subject to the
 9 general restrictions imposed on child labor under this chapter.

10 SECTION 14. IC 20-8.1-4-23 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 23. (a) Every person,
 12 firm, corporation, or company which employs any ~~child~~ **full-time**
 13 **student who is fourteen (14) years of age or older and less than**
 14 **eighteen (18) years of age** in an occupation for which the ~~child~~
 15 **full-time student** must obtain an employment certificate shall post and
 16 keep posted, in a conspicuous place or in places where notices to
 17 employees are customarily posted, a printed notice. This notice shall
 18 state:

- 19 (1) the maximum number of hours these ~~children~~ **full-time**
 20 **students** may be employed or permitted to work in each day of
 21 the week;
- 22 (2) the hours of beginning and ending each day; and
- 23 (3) the names and ages of the ~~children~~ **full-time students**
 24 employed there.

25 The printed forms for this notice shall be furnished by the department
 26 of labor.

27 (b) The employment of ~~children~~ **full-time students** for a longer time
 28 on any day than is stated in the notice is a violation of this chapter.

29 SECTION 15. IC 20-8.1-4-30 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 30. ~~(Application)~~ This
 31 chapter applies to all persons under the age of ~~eighteen (18)~~ **nineteen**
 32 **(19) years** who are employed or are seeking employment in Indiana. A
 33 person under ~~eighteen (18)~~ **nineteen (19)** years of age who is a resident
 34 of Indiana and who requires an employment certificate shall obtain it
 35 from the issuing officers of the school corporation in which such
 36 person resides. A person under ~~eighteen (18)~~ **nineteen (19)** years of
 37 age who is not a resident of Indiana and who requires an employment
 38 certificate to work in Indiana shall obtain it from the issuing officer of
 39 the school corporation in which such person is employed or is seeking
 40 employment. However, the judge of a court with juvenile jurisdiction
 41 may suspend the application of this chapter in cases involving juvenile
 42 delinquents or incorrigibles whenever ~~in his judgment, it is judged~~



1 **that** the welfare of any child warrants this action.

2 SECTION 16. IC 20-8.1-4-32 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 32. (a) An employment
4 certificate issued under this chapter may be revoked by the issuing
5 officer if the issuing officer determines that there has been a significant
6 decrease in any of the following since the issuance of the permit:

7 (1) The student's grade point average.

8 (2) The student's attendance at school.

9 (b) A **full-time** student whose employment certificate is revoked
10 under subsection (a) is entitled to a periodic review of the **full-time**
11 student's grade record or attendance record, or both, to determine
12 whether the revocation should continue. A periodic review may not be
13 conducted less than one (1) time each school year.

14 (c) If upon review the issuing officer determines that the **full-time**
15 student's grade point average or attendance, or both, have improved
16 substantially, the issuing officer may reissue an employment certificate
17 to the student.

18 (d) A **full-time** student may appeal the revocation of an employment
19 certificate under subsection (a) or the refusal to reissue an employment
20 certificate under subsection (c) to the school principal.

21 (e) An issuing officer who revokes an employment certificate shall
22 immediately send written notice of the revocation to the ~~child's~~
23 **full-time student's** employer.

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